

In re: Daniel P. Cedrone
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REMARKS

Applicant's note with appreciation the Examiner's courtesy during the recent office interview. As set forth in the Interview Summary (Paper No. 15), the proposed amendment would overcome the rejection based on Douglas as applied to date, and subject to the Examiner's further search or consideration.

In order to clarify and highlight the issues, Claim 1, as amended herein, and as presented and discussed at the interview, incorporates some of the structural elements previously recited in dependent claims 27 and 28. These features are also described at page 9 line 28 through page 10 line 3 of the pending specification, and in Paragraph 42 of the application as published (No. 20020116788). Accordingly, Claim 1 is properly evaluated in its present form with respect to the rejection as previously applied to Claims 27 and 28.

Additionally, in order to reduce the issues under consideration, independent claim 17 has been cancelled as have dependent claims 8-9, 18-28, and 37-39. Independent claim 33 has been amended to include the relevant amendments consistent with Claim 1.

More specifically, the rejection as against Claims 27 and 28 is set forth in Paragraph No. 4 of the June 17, 2003 Office Action, and in the form of a §103(a) combination under Rhodes, McKinney, Toedt, and Douglas.

As discussed at the interview, however, Douglas teaches away from the claimed invention, and, thus, cannot be properly brought to bear in a combination. Therefore, the combination of Paragraph No. 4 must be removed as against the pending claims. In particular, Applicant calls the Examiner's attention to Column 1, lines 13-31 of the Douglas '650 patent which teaches that hinges with chamfered and inclined edges are disadvantageous, and should be avoided. Thus, Douglas's goal is to produce a "lift-off" hinge that avoids such inclined knuckles. Accordingly, given that Douglas teaches away from the use of the inclined knuckles that are recited in Claim 1, the person of ordinary skill in the art would not logically choose Douglas to combine with the references in the manner done by the Office in the June 17, 2003 Official Action.

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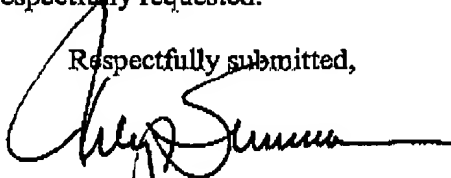
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Furthermore, the nature of Douglas's movement is such that the pin (7) would appear to be more advantageously (for Douglas) fixed to the upper knuckle (3), in contrast to the claimed invention, in which the upper knuckle contains the low-friction sleeve that rotatably surrounds the pin. Accordingly, the upper knuckle of the claimed invention rotates on the pin while in the Douglas '650 patent, the upper knuckle and the pin are fixed, and rotate together.

With respect to the Examiner's potential further search and consideration, Applicant respectfully notes that the recitations now appearing in Claim 1 are the structural equivalent of those set forth in Claims 27 and 28 as originally filed. Therefore, because the amendments avoid any newly-presented structure or recitation, the Examiner's consideration of the amendment should not require any further searching. Accordingly, Applicant respectfully submits that the amendments as presented qualify for entry, even after the final rejection.

Accordingly, Applicant submits that all of the claims, are in condition for immediate allowance, and the same is respectfully requested.

Respectfully submitted,



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